

DPCC/DCR REQUIREMENTS AND MAJOR COMPONENTS OF DPCC/DCR PLAN PROCESS

[Current as of May, 1998]

DPCC/DCR REQUIREMENTS

A. Overview of DPCC/DCR Plan Review Process (7:1E-4.5):

DPCC and DCR plans submitted as single document (7:1E-4.5(a));

Original submission dates (1992-94) follow schedule identified in (7:1E-4.5(b)1-6);

New major facility, because of addition of a hazardous substance to the list in NJAC 7:1E-Appendix A, has 180 days from the addition to submit certified DPCC/DCR plans (7:1E-4.5(c));

"New" facility has 180 days prior to anticipated operational date of facility to submit plans, and approved plans must be implemented prior to operating facility (7:1E-4.5(d));

Within 60 days, NJ DEP will notify facility whether it has all information needed to begin its technical review (7:1E-4.5(f));

If additional information is required of facility, it must respond within 30 days to the NJ DEP's request (7:1E-4.5(g));

One copy of DPCC/DCR plan, plus a certification, is submitted to NJ DEP for approval; a second copy of the approved DPCC/DCR plan must be submitted within 30 days of the receipt of approval (7:1E-4.5(h)).

B. Requirements for Renewals to DPCC/DCR Plans (7:1E-4.9):

Every 3 years following "approval" or "conditional approval" of last DPCC/DCR plans (7:1E-4.9(a));

One copy to NJ DEP 180 days prior to expiration of DPCC/DCR plans (NJAC 7:1E-4.9 (b));

Certification that "existing" plans on file are current, or revision to include all amendments since last approval, conditional approval, or renewal, and must be certified (7:1E-4.9(c),(f));

Renewals include list of discharges at facility since last renewal, including substances, quantities, locations, case #s of reported discharges (7:1E-4.9(e));

Second copy of "approved" renewal due to NJ DEP within 30 days of plan approval (7:1E-4.9(b));

Any DPCC/DCR plan NOT renewed within 3 years of date of last approval/conditional approval is considered "expired" (7:1E-4.9(g)).

C. Requirements for Amendments to DPCC/DCR Plans (7:1E-4.8):

Written notice required 60 days prior to start of new construction/installation, substantial modification or replacement of any above-ground storage tank, above-ground enclosed storage space, leak detection, or other monitoring or safety system - except for certain construction/modifications contained in an upgrading schedule of an approved DPCC plan (7:1E-4.8(a));

Report any change to NJ DEP, within 30 days, to facility design, operation or maintenance that could materially affect facility potential to discharge a Hazardous Substance;

Reflect changes in amended DPCC or DCR plan and certify amendments prior to submission to NJ DEP for approval (7:1E-4.8(b));

NJ DEP will approve or deny the proposed amendments within 60 days.

D. Requirements for Changes to DPCC/DCR Plans (7:1E-4.8(e)):

Changes are not subject to certification and approval requirements of amendments;

Report changes to NJ DEP within 30 days;

Includes changes to name and address (not those that result from a change in ownership - which requires a plan amendment), facility and personnel telephone numbers, name and address of owners' registered agent, employee names included in DPCC/DCR plans, new or revised financial responsibility documents.

THE THREE MAJOR COMPONENTS OF THE DPCC/DCR PLAN PROCESS

A. Discharge, Prevention, Containment and Countermeasure Plan Specifics (7:1E-4.2):

1. Prepare the DPCC plan, including (7:1E-4.2(a)):

Facility identifiers (name, address, phone of facility, owner/operator, registered agent);

Site plans, drainage and land use and topographical maps;

Date facility becomes operational, if new;

Discharge event summary, corrective actions - for 2 or more events in 12 months (7:1E-4.9(c)). For renewals, all discharges since last approval must be listed (NJAC 7:1E-4.9 (e));

Technical information, including descriptions of storage areas, tank car and tank truck loading and unloading areas, in-facility pipe markings, secondary containment/diversion systems, marine transfer areas, flood hazard areas, leak detection/monitoring systems, housekeeping and maintenance programs, personnel training, physical security measures, standard operating procedures; record keeping, and schedule for upgrading equipment (7:1E-4.2(d)).

2. Appoint a Response Coordinator (7:1E-4.2(a)):

Insures compliance with DPCC plan;

Responsible for reports submission.

B. Discharge, Cleanup and Removal Plan Specifics (7:1E-4.3):

Name, 24-hour phone number of facility response coordinator;

Chain-of-command for emergency response actions;

Notification procedures(7:1E-5) ;

Provisions for annual emergency response drills ;

Lists of types and quantities of containment and removal equipment;

List of trained personnel available to operate equipment;

Deployment plan for on and off-site response and mitigation measures;

Procedures for recycling or disposal options for hazardous substances and contaminated materials ;

A copy of the agreement with local emergency planning committee that helps to coordinate emergency responses ;

A copy of all financial responsibility documents required under 7:1E-4.4 or Appendix B.

C. Financial Responsibility requirements (7:1E-4.4):

Requires demonstration of financial responsibility for cleanup and removal activities via self-insurance, guarantee, insurance or risk-retention coverage, surety bond, or letter of credit (7:1E-4.4(d));

Identifies per occurrence and annual coverage amounts, but does not limit the liability of the owner/operator;

Limited time periods given to obtain alternative financial assurance in the event of coverage cancellation.

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